

Amendment No.

## CHAMBER ACTION

SenateHouse.  
.  
.

---

Representative Murzin offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) of section 443.101, Florida Statutes, is amended to read:

443.101 Disqualification for benefits.--An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has voluntarily left his or her work without good cause attributable to his or her employing unit or in which the individual has been discharged by his or her employing unit for misconduct connected with his or her work, based on a finding by the Agency for Workforce Innovation. As used in this paragraph, the term "work" means any work, whether full-time, part-time, or temporary.

457933

Approved For Filing: 4/22/2009 1:58:35 PM

Page 1 of 18

Amendment No.

16       1. Disqualification for voluntarily quitting continues for  
17 the full period of unemployment next ensuing after he or she has  
18 left his or her full-time, part-time, or temporary work  
19 voluntarily without good cause and until the individual has  
20 earned income equal to or in excess of 17 times his or her  
21 weekly benefit amount. As used in this subsection, the term  
22 "good cause" includes only that cause attributable to the  
23 employing unit or which consists of illness or disability of the  
24 individual requiring separation from his or her work. Any other  
25 disqualification may not be imposed. An individual is not  
26 disqualified under this subsection for voluntarily leaving  
27 temporary work to return immediately when called to work by the  
28 permanent employing unit that temporarily terminated his or her  
29 work within the previous 6 calendar months. For benefit years  
30 beginning on or after July 1, 2004, an individual is not  
31 disqualified under this subsection for voluntarily leaving work  
32 to relocate as a result of his or her military-connected  
33 spouse's permanent change of station orders, activation orders,  
34 or unit deployment orders.

35       2. Disqualification for being discharged for misconduct  
36 connected with his or her work continues for the full period of  
37 unemployment next ensuing after having been discharged and until  
38 the individual has become reemployed and has earned income of at  
39 least 17 times his or her weekly benefit amount and for not more  
40 than 52 weeks that immediately follow that week, as determined  
41 by the Agency for Workforce Innovation in each case according to  
42 the circumstances in each case or the seriousness of the

457933

Approved For Filing: 4/22/2009 1:58:35 PM

Amendment No.

misconduct, under the agency's rules adopted for determinations of disqualification for benefits for misconduct.

3. An individual is disqualified for benefits for voluntarily leaving his or her work without good cause attributable to his or her employing unit if the individual has notified the employing unit of intent to voluntarily leave work, effective on a date certain within 2 weeks of the notice, and the employing unit discharges the individual prior to the date the voluntary quit was to take effect; provided, however, the individual is entitled to benefits limited to the week or weeks between the date of the discharge and the effective date of his or her voluntary quit if the discharge was for reasons other than misconduct connected with his or her work. Other applicable provisions of this subsection apply on the effective date of the voluntary quit.

4. An individual is disqualified for benefits for voluntarily leaving his or her work if the employing unit has notified the individual of intent to discharge the individual, effective on a date certain within 2 weeks of the notice, and the individual quits prior to the date the discharge was to take effect; provided, however, disqualification for voluntarily quitting is limited to the week or weeks between the date of the quitting and the effective date of the discharge if the quitting was without good cause. Other applicable provisions of this subsection apply on the effective date of the discharge.

Section 2. Effective July 5, 2009, and expiring December 26, 2009, unless federal law extends the period during which the federal government will pay 100 percent of the benefits provided

457933  
Approved For Filing: 4/22/2009 1:58:35 PM

Amendment No.

under this section, in which case, it shall cease to be effective when such benefits are no longer authorized under such federal legislation, section 443.1117, Florida Statutes, is created to read:

443.1117 .- TEMPORARY EXTENDED BENEFITS

(1) PERIOD OF APPLICABILITY.—The provisions of this section apply only to claims in which entitlement to extended benefits pursuant to this section are established for weeks between July 5, 2009 and December 26, 2009, provided, however, that, if federal law extends the period during which the federal government will pay 100 percent of the benefits provided under this section, the provisions of this section will apply to claims filed within the operative period of such federal legislation.

(2) APPLICABILITY OF EXTENDED BENEFITS STATUTE --Except when the result is inconsistent with the other provisions of this section, the provisions of s. 443.1115(3), (4), (6), and (7) apply to all claims covered by this section.

(3) DEFINITIONS. -For the purposes of this section:

(a) The terms "extended benefit period", "regular benefits", and "extended benefits" have the same meaning as in s. 443.1115.

(b) "Eligibility period" means the period consisting of the weeks in an individual's benefit year or emergency benefit period which begin in an extended benefit period and, if the benefit year or emergency benefit period ends within that extended benefit period, any subsequent weeks beginning in that period.

457933

Approved For Filing: 4/22/2009 1:58:35 PM

Amendment No.

99        (c) "Emergency benefits" means Emergency Unemployment  
100 Compensation paid pursuant to P.L. 110-252, P.L. 110-449, and  
101 P.L. 111-5.

102        (d) "Emergency benefit period" means the period during  
103 which an individual receives emergency benefits as defined in  
104 paragraph (c).

105        (e) "Exhaustee" means an individual who, for any week of  
106 unemployment in her or his eligibility period:

107        1. Has received, before that week, all of the regular  
108 benefits and emergency benefits, if any, available under this  
109 chapter or any other law, including dependents' allowances and  
110 benefits payable to federal civilian employees and ex-service  
111 members under 5 U.S.C. ss. 8501-8525, in the current benefit  
112 year or emergency benefit period that includes that week. For  
113 the purposes of this subparagraph, an individual has received  
114 all of the regular benefits and emergency benefits, if any,  
115 available although, as a result of a pending appeal for wages  
116 paid for insured work which were not considered in the original  
117 monetary determination in the benefit year, she or he may  
118 subsequently be determined to be entitled to added regular  
119 benefits;

120        2. Had a benefit year which expired before that week, and  
121 was paid no, or insufficient, wages for insured work on the  
122 basis of which she or he could establish a new benefit year that  
123 includes that week; and

124        3. a. Has no right to unemployment benefits or allowances  
125 under the Railroad Unemployment Insurance Act or other federal

457933

Approved For Filing: 4/22/2009 1:58:35 PM

Amendment No.

laws as specified in regulations issued by the United States Secretary of Labor; and

b. Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if an individual is seeking those benefits and the appropriate agency finally determines that she or he is not entitled to benefits under that law, she or he is considered an exhaustee.

(f) The term "state 'on' indicator" means the occurrence of a week in which the average total unemployment rate under state law, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of that week and the 12 weeks immediately preceding it:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 13-week period ending in each of the preceding 2 calendar years; and

2. Equals or exceeds 6.5 percent.

(g) The term "high unemployment period" means any week in which the average total unemployment rate under state law, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of that week and the 12 weeks immediately preceding it:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 13-week period ending in each of the preceding 2 calendar years; and

2. Equals or exceeds 8 percent.

(h) The term "state 'off' indicator" means the occurrence of a week in which there is no state "on" indicator or which does not constitute a high unemployment period.

457933

Approved For Filing: 4/22/2009 1:58:35 PM

Amendment No.

(4) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in subsection (5):

(a) For any week for which there is an 'on' indicator pursuant to paragraph (3)(f), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Fifty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Thirteen times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(b) For any high unemployment period as defined in paragraph (3)(g), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Eighty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Twenty times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(c) In the case of any individual who receives extended compensation with respect to one or more weeks of unemployment beginning after July 5, 2009, and before December 26, 2009, the individual may not continue to receive any benefits to which she or he is entitled under this section, except that the individual shall receive any benefits for any week ending after May 29, 2010. If, however, federal law extends the period during which the federal government will pay 100 percent of the benefits

457933

Approved For Filing: 4/22/2009 1:58:35 PM

Amendment No.

provided under this section, the individual shall receive such  
benefits as long as authorized by such federal legislation.

(5) Notwithstanding any other provision of this chapter,  
if the benefit year of an individual ends within an extended  
benefit period, the number of weeks of extended benefits the  
individual is entitled to receive in that extended benefit  
period for weeks of unemployment beginning after the end of the  
benefit year, except as provided in this section, is reduced,  
but not to below zero, by the number of weeks for which the  
individual received, within that benefit year, trade  
readjustment allowances under the Trade Act of 1974, as amended.

Section 3. Effective January 1, 2009, paragraph (a) of  
subsection (2) of section 443.1217, Florida Statutes, is amended  
to read:

443.1217 Wages.--

(2) For the purpose of determining an employer's  
contributions, the following wages are exempt from this chapter:

(a) That part of remuneration paid to an individual by an  
employer for employment during a calendar year in excess of the  
first \$8,500 ~~\$7,000~~ of remuneration paid to the individual by  
the employer or his or her predecessor during that calendar  
year, unless that part of the remuneration is subject to a tax,  
under a federal law imposing the tax, against which credit may  
be taken for contributions required to be paid into a state  
unemployment fund. As used in this section only, the term  
"employment" includes services constituting employment under any  
employment security law of another state or of the Federal  
Government. Beginning January 1, 2015, the part of remuneration

457933

Approved For Filing: 4/22/2009 1:58:35 PM



Amendment No.

paid to an individual by an employer for employment during a  
calendar year in excess of the first \$7,000 is exempt from this  
chapter.

Section 4. Effective January 1, 2009, paragraph (e) of  
subsection (3) of section 443.131, Florida Statutes, is amended  
to read:

443.131 Contributions.--

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT  
EXPERIENCE.--

(e) Assignment of variations from the standard rate.--

1. The tax collection service provider shall assign a  
variation from the standard rate of contributions for each  
calendar year to each eligible employer. In determining the  
contribution rate, varying from the standard rate to be assigned  
each employer, adjustment factors computed under sub-  
subparagraphs a.-d. ~~a.-e.~~ shall be added to the benefit ratio.  
This addition shall be accomplished in two steps by adding a  
variable adjustment factor and a final adjustment factor. The  
sum of these adjustment factors computed under sub-subparagraphs  
a.-d. ~~a.-e.~~ shall first be algebraically summed. The sum of  
these adjustment factors shall next be divided by a gross  
benefit ratio determined as follows: Total benefit payments for  
the 3-year period described in subparagraph (b)2. shall be  
charged to employers eligible for a variation from the standard  
rate, minus excess payments for the same period, divided by  
taxable payroll entering into the computation of individual  
benefit ratios for the calendar year for which the contribution  
rate is being computed. The ratio of the sum of the adjustment

457933  
Approved For Filing: 4/22/2009 1:58:35 PM

Amendment No.

238 factors computed under sub-subparagraphs a.-d. ~~a.-e.~~ to the  
239 gross benefit ratio shall be multiplied by each individual  
240 benefit ratio that is less than the maximum contribution rate to  
241 obtain variable adjustment factors; except that in any instance  
242 in which the sum of an employer's individual benefit ratio and  
243 variable adjustment factor exceeds the maximum contribution  
244 rate, the variable adjustment factor shall be reduced in order  
245 that the sum equals the maximum contribution rate. The variable  
246 adjustment factor for each of these employers is multiplied by  
247 his or her taxable payroll entering into the computation of his  
248 or her benefit ratio. The sum of these products shall be divided  
249 by the taxable payroll of the employers who entered into the  
250 computation of their benefit ratios. The resulting ratio shall  
251 be subtracted from the sum of the adjustment factors computed  
252 under sub-subparagraphs a.-d. ~~a.-e.~~ to obtain the final  
253 adjustment factor. The variable adjustment factors and the final  
254 adjustment factor shall be computed to five decimal places and  
255 rounded to the fourth decimal place. This final adjustment  
256 factor shall be added to the variable adjustment factor and  
257 benefit ratio of each employer to obtain each employer's  
258 contribution rate. An employer's contribution rate may not,  
259 however, be rounded to less than 0.1 percent.

260       a. An adjustment factor for noncharge benefits shall be  
261 computed to the fifth decimal place and rounded to the fourth  
262 decimal place by dividing the amount of noncharge benefits  
263 during the 3-year period described in subparagraph (b)2. by the  
264 taxable payroll of employers eligible for a variation from the  
265 standard rate who have a benefit ratio for the current year

457933

Approved For Filing: 4/22/2009 1:58:35 PM

Amendment No.

which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the taxable payrolls for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-subparagraph, the term "noncharge benefits" means benefits paid to an individual from the Unemployment Compensation Trust Fund, but which were not charged to the employment record of any employer.

b. An adjustment factor for excess payments shall be computed to the fifth decimal place, and rounded to the fourth decimal place by dividing the total excess payments during the 3-year period described in subparagraph (b)2. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the same figure used to compute the adjustment factor for noncharge benefits under sub-subparagraph a. As used in this sub-subparagraph, the term "excess payments" means the amount of benefits charged to the employment record of an employer during the 3-year period described in subparagraph (b)2., less the product of the maximum contribution rate and the employer's taxable payroll for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-subparagraph, the term "total excess payments" means the sum of the individual employer excess payments for those employers that

457933

Approved For Filing: 4/22/2009 1:58:35 PM

Amendment No.

were eligible to be considered for assignment of a contribution rate different from the standard rate.

c. If the balance of the Unemployment Compensation Trust Fund on June 30 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 4 ~~3.7~~ percent of the taxable payrolls for the year ending June 30 as reported to the tax collection service provider by September 30 of that calendar year, a positive adjustment factor shall be computed. The positive adjustment factor shall be computed annually to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year into a sum equal to one-third ~~one-fourth~~ of the difference between the balance of the fund as of June 30 of that calendar year and the sum of 5 ~~4.7~~ percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds 5 ~~3.7~~ percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year.

Beginning January 1, 2015, and for each year thereafter, the positive adjustment factor authorized by this sub-subparagraph shall be computed by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar

457933

Approved For Filing: 4/22/2009 1:58:35 PM

Amendment No.

year as reported to the tax collection service provider by  
September 30 of that calendar year into a sum equal to one-  
fourth of the difference between the balance of the fund as of  
June 30 of that calendar year and the sum of 5 percent of the  
total taxable payrolls for that year. The positive adjustment  
factor remains in effect for subsequent years until the balance  
of the Unemployment Compensation Trust Fund as of June 30 of the  
year immediately preceding the effective date of the  
contribution rate equals or exceeds 4 percent of the taxable  
payrolls for the year ending June 30 of the current calendar  
year as reported to the tax collection service provider by  
September 30 of that calendar year.

d. Beginning January 1, 2015, and each year thereafter, if  
the balance of the Unemployment Compensation Trust Fund as of  
June 30 of the year immediately preceding the calendar year for  
which the contribution rate is being computed exceeds 5 ~~4.7~~  
percent of the taxable payrolls for the year ending June 30 of  
the current calendar year as reported to the tax collection  
service provider by September 30 of that calendar year, a  
negative adjustment factor shall be computed. Beginning January  
1, 2015, and each year thereafter, the negative adjustment  
factor shall be computed annually to the fifth decimal place and  
rounded to the fourth decimal place by dividing the sum of the  
total taxable payrolls for the year ending June 30 of the  
current calendar year as reported to the tax collection service  
provider by September 30 of the calendar year into a sum equal  
to one-fourth of the difference between the balance of the fund  
as of June 30 of the current calendar year and 5 ~~4.7~~ percent of

457933  
Approved For Filing: 4/22/2009 1:58:35 PM

Amendment No.

the total taxable payrolls of that year. The negative adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of the contribution rate is less than 5 4.7 percent, but more than 4 3.7 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year. The negative adjustment factor authorized by this sub-subparagraph is suspended in any calendar year in which repayment of the principal amount of an advance received from the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1321 is due to the Federal Government.

e.d. The maximum contribution rate that may be assigned to an employer is 5.4 percent, except employers participating in an approved short-time compensation plan may be assigned a maximum contribution rate that is 1 percent greater than the maximum contribution rate for other employers in any calendar year in which short-time compensation benefits are charged to the employer's employment record.

f. For purposes of this subparagraph, "taxable payroll" shall be determined by excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$7,000.

2. If the transfer of an employer's employment record to an employing unit under paragraph (f) which, before the transfer, was an employer, the tax collection service provider shall recompute a benefit ratio for the successor employer based

Amendment No.

on the combined employment records and reassign an appropriate contribution rate to the successor employer effective on the first day of the calendar quarter immediately after the effective date of the transfer.

Section 5. Subsection (1), subsection (3) of section 443.191, Florida Statutes, are amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.--

(1) There is established, as a separate trust fund apart from all other public funds of this state, an Unemployment Compensation Trust Fund, which shall be administered by the Agency for Workforce Innovation exclusively for the purposes of this chapter. The fund shall consist of:

(a) All contributions and reimbursements collected under this chapter;

(b) Interest earned on any moneys in the fund;

(c) Any property or securities acquired through the use of moneys belonging to the fund;

(d) All earnings of these properties or securities; ~~and~~

(e) All money credited to this state's account in the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1103; and

(f) Advances on the amount in the federal Unemployment Compensation Trust Fund credited to the state under 42 U.S.C. s. 1321, as requested by the Governor or the Governor's designee.

Except as otherwise provided in s. 443.1313(4), all moneys in the fund shall be mingled and undivided.

457933

Approved For Filing: 4/22/2009 1:58:35 PM

Amendment No.

406       (3) Moneys may ~~only~~ be requisitioned from the state's  
407 account in the federal Unemployment Compensation Trust Fund  
408 solely for the payment of benefits and extended benefits and for  
409 payment in accordance with rules prescribed by the Agency for  
410 Workforce Innovation, or for the repayment of advances made  
411 under 42 U.S.C. s. 1321, as authorized by the Governor or the  
412 Governor's designee, except that money credited to this state's  
413 account under 42 U.S.C. s. 1103 may only be used exclusively as  
414 provided in subsection (5). The Agency for Workforce Innovation,  
415 through the Chief Financial Officer, shall requisition from the  
416 federal Unemployment Compensation Trust Fund amounts, not  
417 exceeding the amounts credited to this state's account in the  
418 fund, as necessary for the payment of benefits and extended  
419 benefits for a reasonable future period. Upon receipt of these  
420 amounts, the Chief Financial Officer shall deposit the moneys in  
421 the benefit account in the State Treasury and warrants for the  
422 payment of benefits and extended benefits shall be drawn upon  
423 the order of the Agency for Workforce Innovation against the  
424 account. All warrants for benefits and extended benefits are  
425 payable directly to the ultimate beneficiary. Expenditures of  
426 these moneys in the benefit account and refunds from the  
427 clearing account are not subject to any law requiring specific  
428 appropriations or other formal release by state officers of  
429 money in their custody. All warrants issued for the payment of  
430 benefits and refunds must bear the signature of the Chief  
431 Financial Officer. Any balance of moneys requisitioned from this  
432 state's account in the federal Unemployment Compensation Trust  
433 Fund which remains unclaimed or unpaid in the benefit account

457933

Approved For Filing: 4/22/2009 1:58:35 PM



Amendment No.

after the period for which the moneys were requisitioned shall be deducted from estimates for, and may be used for the payment of, benefits and extended benefits during succeeding periods, or, in the discretion of the Agency for Workforce Innovation, shall be redeposited with the Secretary of the Treasury of the United States, to the credit of this state's account in the federal Unemployment Compensation Trust Fund, as provided in subsection (2).

Section 6. The Legislature finds that this act fulfills an important state interest.

Section 7. Except as otherwise provided, this act shall take effect upon becoming a law.

-----  
**T I T L E   A M E N D M E N T**

Remove the entire title and insert:

A bill to be entitled

An act relating to the Unemployment Compensation; amending s. 443.101, F.S.; providing for disqualification from benefits under certain conditions; creating s. 443.1117, F.S.; providing for temporary extended benefits; providing applicability of statute; providing definitions; providing for benefit amount; providing for benefit reduction under certain circumstances; amending s. 443.1217, F.S.; revising the amount of an employee's wages that are subject to an employer's contribution to the fund for specified periods; amending s. 443.131, F.S.; revising the rate and recoupment period for computing the employer's

457933

Approved For Filing: 4/22/2009 1:58:35 PM

HOUSE AMENDMENT

Bill No. HB 7147

Amendment No.

462 contribution to the fund for specified periods; providing  
463 the calculation for lowering an employer's contribution to  
464 the fund beginning on a specified date; providing for a  
465 suspension of lowering the employer's contribution under  
466 certain circumstances; providing for determination of  
467 "taxable payroll"; amending s. 443.191, F.S.; providing  
468 for certain advances to be credited to the fund upon  
469 request by the Governor or the Governor's designee;  
470 providing that moneys may be requisitioned from the  
471 state's account in the federal fund for the repayment of  
472 such advances; providing effective dates.

457933

Approved For Filing: 4/22/2009 1:58:35 PM

Page 18 of 18